

VOTER REGISTRATION COMMISSION[821]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code sections 47.8, 48A.13, and 17A.4, the Secretary of State's office hereby amends Chapter 2, "Voter Registration Forms, Acceptability, Registration Dates, and Effective Dates," Chapter 8, "Transmission of Registration Forms by Agencies," and Chapter 11, "Registration Procedure at the Office of Driver Services, Department of Transportation," Iowa Administrative Code.

These amendments pertain to electronic voter registration through the Iowa Department of Transportation's Web site. The amendments permit the use of electronic signatures on file with the Iowa Department of Transportation to be used on subsequent online voter registration transactions conducted via the Iowa Department of Transportation's Web site.

These amendments were published under Notice of Intended Action in the Iowa Administrative Bulletin as **ARC 2160C** on September 30, 2015. An Amended Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 2246C** on November 25, 2015, to provide for a public hearing. The public hearing was held on December 23, 2015, at 8:30 a.m. in the Secretary of State's office, and comments were received from the American Civil Liberties Union of Iowa, the Iowa League of Women Voters, Disability Rights IOWA, and the Iowa-Nebraska NAACP State Area Conference of Branches.

These amendments are identical to those published under Notice of Intended Action.

A meeting of the State Voter Registration Commission was convened and the amendments were adopted on Thursday, December 31, 2015.

Pursuant to Iowa Code section 17A.5(2)"b"(1)(b), the Commission finds that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments made effective on January 5, 2016. These amendments confer a benefit on the public by creating an additional method for eligible voters to register or update their voter registration information.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 48A.

These amendments became effective January 5, 2016.

The following amendments are adopted.

ITEM 1. Amend subrules 2.4(2) and 2.4(3) as follows:

2.4(2) The applicant shall be shown a list of the eligibility requirements for registering to vote and the penalties for falsely registering, printed or displayed in large, easy-to-read type, and shall be advised to read them.

2.4(3) The application to register to vote and the signature of the applicant shall be recorded in digitized form in the agency's computer system and shall be kept permanently by the agency. The system shall ensure that neither the application ~~form~~ information nor the signature, once captured, can be edited.

ITEM 2. Adopt the following new subrule 2.4(6):

2.4(6) In the case of a voter registration applicant who registers to vote online through the Web site of the office of driver services, department of transportation, the applicant's signature for voter registration purposes shall be the last signature on file with the office of driver services, department of transportation. If there is no signature on file with the office of driver services, department of transportation, the applicant shall be offered the opportunity to print, complete, sign and return a paper copy of the Iowa voter registration application.

ITEM 3. Amend subrule 2.8(2) as follows:

2.8(2) The notice mailed to applicants who submit incomplete voter registration applications shall instruct the applicant that the applicant may provide the required information in writing by appearing in person at the commissioner's office to complete a new application or by mailing a new and complete application. If the incomplete registration application is received during the period in which registration

is closed pursuant to Iowa Code section 48A.9 and by 5 p.m. on the Saturday before the election for general and primary elections or by 5 p.m. on the Friday before the election for all other elections, the commissioner shall send a notice advising the applicant of election day and in-person absentee registration procedures under Iowa Code section 48A.7A.

ITEM 4. Amend rule 821—8.1(48A) as follows:

821—8.1(48A) ~~Cataloging registration data~~ Transmission of electronic voter registration applications. Every agency ~~which~~ that registers voters in a paperless manner shall ~~daily catalog~~ transmit a file of registration ~~records~~ applications to the ~~computer system used by the registrar on a daily basis.~~ The file shall contain all voter registration ~~records~~ applications collected by the agency during the previous working day, ~~except that the file containing registration records collected on the last day of registration for a regularly scheduled election shall be cataloged not later than 8 p.m. of that day.~~

ITEM 5. Amend rule 821—11.6(48A) as follows:

821—11.6(48A) Signature on attestation required. The signature required for voter registration shall be obtained in the following manner:

11.6(1) In-person applicants. At the conclusion of the ~~client's~~ applicant's business, ~~clients~~ applicants who apply to register, or give information to update an existing registration shall be asked to sign the registration application attestation, either on a paper copy or an electronic version. Any ~~client~~ applicant who fails to sign the attestation shall be deemed to have declined to apply to register to vote.

11.6(2) Online driver's license and nonoperator identification card renewal applicants. During the online renewal transaction, applicants shall be asked if they would like to register to vote or update an existing voter registration record. If an applicant answers the question in the affirmative, the applicant shall have the opportunity to select a political party and affirm the use of the applicant's last digitized signature on file with the office of driver services, department of transportation, to finalize the voter registration transaction.

11.6(3) Stand-alone online voter registration applicants. The office of driver services, department of transportation, may offer stand-alone online voter registration through its Web site to individuals with current state-issued driver's licenses or nonoperator identification cards. Applicants for voter registration must provide information from their state-issued identification cards to begin the online voter registration application, including the applicant's first and last name and date of birth as they appear on the state-issued identification card, the last five digits of the applicant's social security number, the state-issued identification card number and the first five digits of the document discriminator number which is printed on the state-issued identification card. Applicants who do not have a state-issued identification card who attempt to use the stand-alone online voter registration function shall be offered the opportunity to print, complete, sign and mail a paper copy of the Iowa voter registration application.

11.6(4) A notice shall appear on screen if a stand-alone online voter registration applicant transaction is terminated because of incomplete information. The notice shall instruct the applicant that the applicant may provide the required information by completing a paper voter registration form and mailing it to the commissioner's office or by completing a new application in person at the commissioner's office. Applicants shall also be advised of election day and in-person registration procedures under Iowa Code section 48A.7A.

11.6(5) If a stand-alone online voter registration applicant fails to make a party selection and the application is for a new registration, the commissioner shall enter the selection as "no party." If a stand-alone online voter registration applicant fails to make a party selection and the applicant is already a registered voter in the county, the previous party choice of the registrant shall be retained.

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